

REMARKS

In the Office Action mailed September 25, 2003, the Examiner noted that claims 1-40 were pending, and rejected all claims. Claims 1-3, 6-11, 26, 28, 33, and 38-40 have been amended, and, thus, in view of the forgoing claims 1-40 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and provisional objection are traversed below.

In the Office Action on page 7, the Examiner objected to claims 6-8 and 10-37 and indicated that these claims would be allowable if rewritten in independent form. These claims have been so rewritten and it is submitted that these claims are now allowable. Withdrawal of the objection is requested.

On pages 2 and 3 the Examiner provisionally indicated that claims 38, 39 and 40 would be objected to if found allowable as being substantial duplicates of claims 1, 2 and 3, respectively. The Examiner is requested to recognize that the claims are not substantial duplicates. Claims 1-3 are means plus function claims under 35 USC section 112 paragraph 6 whereas claims 38-40 are not means plus function claims. By statute means plus function claims are interpreted differently than non-means plus function claims. As stated in the statute:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim **shall be construed** to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

(See 35 USC section 112, para. 6, **bold** emphasis added)

As a result, the corresponding claims are not substantial duplicates. For this reason it is requested that the provisional objection be withdrawn.

On page 4 of the Office Action the Examiner rejected claims 1-5, 9 and 38-40 under 35 U.S.C. § 102 as anticipated by Ostronmoukhov.

An interview was conducted with the Examiner where Ostronmoukhov was discussed as directed to a system that improves on converting a gray scale image to a halftone image. The improvement involves error diffusion where the gray scale is divided into different ranges for applying a threshold to determine whether a particular pixel multi-bit gray scale value should be a dot (bit) or not. The Examiner acknowledged that Ostronmoukhov does not teach or suggest classifying pixels as either background or plotting area pixels and agreed that the present invention that converts a gray scale image to a binary image "by determining whether each pixel corresponds to a background area or a plotting area and producing binary values" patentably

distinguishes over Ostronmoukhov. Claims 1-3, 9 and 36-40 have been amended to emphasize this feature. Claims 4 and 5 depend from claim 1.

It is submitted that the present claimed invention patentably distinguishes over Ostronmoukhov and withdrawal of the rejection is requested.

It is submitted that the claims satisfy the requirements of 37 CFR 1.75. It is also submitted that claims 6-8 and 10-37 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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